

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 22-48 are pending. Claims 22, 30, 41, 43, and 48 are independent and are hereby amended. Support for this amendment is provided throughout the Specification as originally filed, specifically in the foreign priority documents, specifically at paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Applicants submit that the limitations of the independent claims are supported by the foreign priority documents, specifically at paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936. Therefore, Applicants submit that the effective priority date of the present application is August 31, 1994.

## II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claim 48 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,442,390 to Hooper et al. (hereinafter, merely “Hooper”) in view of U.S. Patent No. 6,553,178 to Abecassis (hereinafter, merely “Abecassis”).

Claims 22-47 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hooper in view of U.S. Patent No. 5,530,754 to Garfinkle (hereinafter, merely “Garfinkle”) and Abecassis.

Claim 48 was also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,434,748 to Shen et al. (hereinafter, merely “Shen”) in view of U.S. Patent No. 5,721,829 to Dunn et al. (hereinafter, merely “Dunn”).

Claims 22-47 were also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shen in view of Garfinkle and Dunn.

## III. RESPONSE TO REJECTIONS

### A. Priority Date of the Present Invention

Claims 22, 30, 41, 43, and 48 recite, *inter alia*:

**“... wherein when display of the program information is resumed after the resume command, an overlap portion is provided.”**, (emphasis added).

Applicants submit that the above-identified feature is supported by the foreign priority documents, specifically at paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-275936. Specifically, paragraph [0025] of JP 06-230281 and paragraph [0047] of JP 06-

275936 disclose "as another alternative method, when data after the pause-on operation is performed is stored, an overlap portion may be provided to some extent."

Paragraph [0025] of JP 06-230281 states that data is repeatedly written to and read from a hard disk drive and after a pause off operation, the user can see the program corresponding to the data read from the hard disk drive. The write and read operations continue until reproduction is stopped or until the end of the program.

Paragraph [0025] then goes on to disclose narrowing features of this general feature.

- 1) positions of the program of the received data can be detected corresponding to time or the like that synchronizes.
- 2) calculating the channel on which the next point will be on based on the time interval of each channel and time difference between pause on and resume commands.
- 3) providing an overlap portion of data when data after a pause operation is stored. (emphasis added)

In light of the Specification of JP 06-230281 and JP 06-275936, the stored data represents video data displayed for a user to watch. Throughout the Specification, JP 06-230281 and JP 06-275936 discloses that the stored data is read for displaying after the pause-off command is performed. Therefore, JP 06-230281 and JP 06-275936 teaches that after the pause-off command is performed, video data in an overlap portion that overlaps the pause-on point are read out and displayed for a user. Therefore, Applicants respectfully submit that JP 06-230281 and JP 06-275936 do provide the support for the above-identified features.

Therefore, Applicants respectfully submit that the priority date of this Application is August 31, 1994.

**B. References Not Eligible as Prior Art**

Applicants respectfully submit that Abecassis, Shen and Dunn, which were used as basis of rejection for claims 22-48, are not prior art due to their filing dates being later than the present invention's effective filing date of August 31, 1994.

Specifically, Shen's filing date is February 25, 1997, which is a Continuation of 08/363,375 and has a filing date of December 23, 1994 (now abandoned); Dunn's filing date is May 5, 1995; although Abecassis is a continuation-in-part of Application No. 08/002,998 (now U.S. Patent No. 5,434,678), filed on January 11, 1993, and Application No. 07/832,335 (now U.S. Patent No. 6,208,805), filed on February 7, 1992, Applicants submit that the subject matter relied upon in Abecassis was not present in the parent documents, therefore Abecassis's effective filing date is September 8, 1994.

Applicants submit Abecassis, Shen and Dunn each have filing dates after Applicants' priority date, and therefore cannot be relied upon as prior art of the present Application. Therefore, Applicants submit that claims 22-48 are patentable.

**C. Response to Rejections Based on Hooper and Garfinkle**

Claim 22 recites, *inter alia*:

**“... wherein when display of the program information is resumed after the resume command, an overlap portion is provided.”** (Emphasis added)

Applicants respectfully submit that nothing has been found in Hooper and Garfinkle, taken either alone or in combination, that would teach or suggest the above-identified feature of claim 2. Specifically, Hooper does not teach or suggest wherein when display of the program information is resumed after the resume command, an overlap portion is provided, as recited in claim 22.

Therefore, Applicants respectfully submit that claim 22 is patentable.

Claims 30, 41, 43, and 48 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

Therefore, Applicants submit that claims 22, 30, 41, 43, and 48 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

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